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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,678	08/01/2001	Ralf Wichmann	LE 00/032 (7244*111)	6224

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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,678

Applicant(s)

WICHMANN ET AL.

Examiner

Hoa V. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on (Received) 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

This is in response to the Amendment received on 07 November 2003.

I. Claims 51-70 (with independent claim 51 as the main invention and dependent claims 52-70 as the secondary embodiments) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuse et al (5,453,348) considered in view of Price (6,013,422) and the known embodiments with respect to Craver et al (5,652,087) and Yamashita et al (5,635,341).

Kuse et al disclose, teach, demonstrate and reduce to practice with a bleaching comprising a sufficient amount ferric salt of propylenediaminetetraacetic acid and ethylenediaminetetraacetic acid as an adjacent homologue as a silver halide photographic bleaching agent. The solution is disclosed, taught and suggested to be used to oxidized or bleach silver in a color reversal photographic material. There is no suggestion of a color negative process. Please see the whole disclosure of each of the applied reference, especially in Kuse et al at col.87:30-32, "Bleaching solution" on col.103:48-56 and Experiments 1(3, 4, 5, 10 and 11 in Table 1 on cols.105 and 106 and "Bleach replenisher" in Example 7, TABLE 5, Experiment Nos. 5(2, 3, 4, 5, 6, 7, 8 and 9) on cols. 108-109. For the newly added embodiments in the main invention independent claim 51, Price is cited to show the known color reversal processing steps...especially at col.10:5-18 and Table I. For an overflown process,...especially see Craver et al at col.1:39-54. For no ammonium ion,...especially see Yamashita et al at col.42:15-19. For new added embodiments in claims 59-66, Please see commercial products in Price at col.10:45-53 and col.11:66-67. Since the applied references are related to color reversal photographic materials and their processes as those claimed, it has a reason to expect to be the same or about

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the same result. Applicants are urged to show an evidence to the contrary since there is no evidence on the record that any the new added embodiments is novel. The showings in the instant applicants have been considered but have and are given a little to no value as broadly claimed. The language (at least includes 100% or is up to 200 g/m². It is noted that a claim would have no value, if its embodiment is known in the art. Applicants must be shown or demonstrated that a claimed embodiment that the claimed embodiment in an embodiment in a claimed is new, novel or unusual or unexpected result for its patentability. The record shows that there is none with respect to the secondary embodiments in the dependent claims 52-70. They will be carefully examined and looked into each of them. Therefore, applicants should and are required to show or demonstrate each of their patentability in each of the embodiments in the dependent claimed. An argument alone would have and be given a little to no value for their patentability. It is now notified. It also would like to see a test result at about 0.000 1 minutes in a bleaching process as broadly claimed by applicants. However, if the claims are limited to at least 6 minutes in bleaching process as shown or demonstrated in the instant application, the claims may be allowable as shown and demonstrated of all materials and (processes including conditions such as time and temperature) only. Since the above applied references are related to color reversal oxidizing and bleaching compositions and its use in color reversal oxidizing and bleaching processes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite the known color reversal processing steps from Price or together with one or more of the known embodiments in the art as disclosed, taught and suggested in Craver et al and/or Yamashita et al in the absence of an unusual or unexpected result for its patentability. Applicants are urged to provide an unusual or unexpected result for (1) the combined

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embodiments in the main invention independent claim 51 and (2) together with each of secondary embodiments in the dependent claims 52-70 each of their patentabilities as claimed. Since the showings on the record have been considered but have and are given a limited, little to no value for the combined embodiments in the main invention independent claim 51 and (2) together with each of secondary embodiments in the dependent claims 52-70 each of their patentabilities as broadly claimed.

III. Applicant's arguments received 07 November 2003 have been fully considered but they are not persuasive.

Applicants recognize that the applied primary reference with respect to Kuse et al disclose, teach and suggest "color reversal materials" but fail to recognize that Kuse et al disclose, teach and suggest the use of a silver halide oxidizing and bleaching solution containing a sufficient amount ferric salt of propylenediaminetetraacetic acid and ethylenediaminetetraacetic acid as an adjacent homologue as a silver halide photographic bleaching agent (There is no suggestion of a color negative process in the above rejection by the examiner on the record). Please see the whole disclosure of the applied reference, especially in Kuse et al at col.87:30-32, "Bleaching solution" on col.103:48-56 and Experiments 1(3, 4, 5, 10 and 11 in Table 1 on cols.105 and 106 and "Bleach replenisher" in Example 7, TABLE 5, Experiment Nos. 5(2, 3, 4, 5, 6, 7, 8 and 9) on cols. 108-109.

Applicants urge that there is not teaching or suggestion of a color reversal processing steps as in the newly added embodiments to the main invention independent claim 51. For the

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newly added embodiments in the main invention independent claim 51; Price is cited to show the known color reversal processing steps...especially at col.10:5-18 and Table I.

IV. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 703-308-2295 (after Mid-December 2003 with 571-272-1332). The examiner can normally be reached on 6:30AM-5:00PM, M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff be reached on 703-308-2464. The fax phone numbers of the examiner is 703-746-7172 (after Mid-December with 571- 273-1332) . Since there is a newly electronic

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filing procedure for all initial communicating papers and all responses to an Office action, the examiner fax phone number is not for use to receive any fax in response to an Office action.

Applicant is requested and required to send all initial communicating papers and all response to Office action to a central paper or fax receiving center for an electronic scanning procedure.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306,

(2) mail with a central mail receiving address:

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Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

For any related question please call Customer Service at 703-308-1202.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
01 December 2003

HOA VAN LE
PRIMARY EXAMINER
